

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAVIER LUNA,

Plaintiff,

v.

DR. SHEPPARD, DR. WAHL, DR. SHUTE, )  
NURSE HILL, NURSE LAND, and NURSE )  
MARSH, )

Defendants. )

Case No. 3:11-cv-886-GPM-DGW

**ORDER**

**WILKERSON, Magistrate Judge:**

This Matter is before the Court for docket control. On October 12, 2012, Defendants Nurse Hill and Nurse Marsh submitted identical Answers to the Complaint (Docs. 25 and 26). In those Answers, Defendants indicate that Nurse Hill and Nurse Marsh are one-and-the-same: Marcia Hill. No Amended Complaint has been filed in this matter reflecting this apparent error in the naming of Defendant Marcia Hill. If, in fact, Plaintiff is suing one person, Marcia Hill, then the Complaint should be amended to reflect this fact. If, in fact, Plaintiff is suing two separate individuals, then the Complaint need not be amended; however, either Nurse Hill or Nurse Marsh must be located and served with summons and the Complaint.<sup>1</sup> Plaintiff shall either file a Motion to Amend the Complaint or a Motion to Issue Summons by **September 6, 2013** that would resolve this issue.

**IT IS SO ORDERED.**

**DATED: August 23, 2013**

**DONALD G. WILKERSON**  
**United States Magistrate Judge**

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<sup>1</sup> While a request for waiver of service was issued as to both Nurse Hill and Nurse Marsh, waivers have not been returned nor is there any indication in the docket that summons have been issued as to these Defendants.